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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/747,968	12/29/2003	Hamid Ould-Brahim	42871-0020	9917
23577	7590	08/22/2008	EXAMINER	
RIDOUT & MAYBEE			JUNTIMA, NITTAYA	
SUITE 2400				
ONE QUEEN STREET EAST			ART UNIT	PAPER NUMBER
TORONTO, ON M5C3B1				
CANADA			2616	
			MAIL DATE	DELIVERY MODE
			08/22/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/747,968	OULD-BRAHIM, HAMID	
	<b>Examiner</b>	<b>Art Unit</b>	
	NITTAYA JUNTIMA	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 08 July 2008.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 15-20 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 15-20 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
     1. Certified copies of the priority documents have been received.  
     2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
     3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____.   | 6) <input type="checkbox"/> Other: _____ .                        |

## **DETAILED ACTION**

1. This action is in response to the amendment After Final filed on 7/8/2008.
2. The indicated allowability of claims 15-20 is withdrawn in view of the newly discovered reference(s) to Chu (US 2004/0255028 A1). Rejections based on the newly cited reference(s) follow.

### ***Claim Objections***

3. Claim 16 is objected to because of the following informalities:
  - in claim 16, line 2, GVPN should be spelled out to avoid any misinterpretation.Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 15-20** are rejected under 35 U.S.C. 102(e) as being anticipated by Chu (US 2004/0255028 A1).

Regarding **claim 15**, as shown in Fig. 3, Chu teaches a network comprising:

A backbone (core network 320).

At least two provider edge devices (other PEs 308 that receive the advertised routes from a transmitting PE 308) connected to and working with said backbone (paragraph 0046).

Layer-1 VPN information (VPN information received at a physical level by other PEs 308) and layer-2 VPN information (route advertisements) processed by one of said at least two provider edge devices (VPN information received at a physical level and route advertisements must be processed by one of the other PEs 308, paragraphs 0031-0033 and 0046).

A layer-2 provider edge device (a PE 308 that advertises its routes to other PEs) attached to said one of said at least two provider edge devices (other PEs), said layer-2 provider edge device configured to advertise said layer-2 VPN information to said one of said at least two provider edge devices (paragraph 0046).

Wherein said one of said at least two provider edge devices is configured to use a discovery mechanism for distributing said layer-2 VPN information (discovery mechanism is not defined, therefore reads on a determination made by the other 308 that receives the route advertisements on whether the route should be added to the VRF routing table based on the route targets, RTs, and if a determination is positive, the other PE 308 adds the route to the VRF table, paragraph 0046).

Regarding **claim 16**, it is inherent in Chu that said at least two provider edge devices (other PEs 308, Fig. 3 that receive the advertised routes from a transmitting PE 308) are GVPN-

based as PEs 308 connected to CEs via frame relay and use BGP for route advertisements, paragraphs 0099 and 0102.

Regarding **claim 17**, Chu teaches that said at least two provider edge devices (other PEs in Fig. 3, paragraph 0046) are a part of a network of a first service provider (paragraph 0034).

Regarding **claim 18**, Chu also teaches a second service provider (owner of the VPN site) having its own network, said second service provider being a customer of said first service provider (paragraphs 0033-0034).

Regarding **claim 19**, it is inherent in Chu that both layer-1 VPN auto-discovery (not defined, reads on heartbeat or keep-alive messages sent among PEs 308, Fig. 3 at a physical level) and layer-2 VPN auto-discovery (not defined, reads on route advertisements sent among PEs 308, Fig. 3) are carried out within said network of the first service provider (paragraphs 0034 and 0046).

Regarding **claim 20**, Chu also teaches that said backbone includes a portion of the Internet (paragraphs 0034 and 0038).

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
  - US 7,136,374 B1, disclosing transport networks supporting VPNs (Figs. 2-5).
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to NITTAYA JUNTIMA whose telephone number is (571)272-3120. The examiner can normally be reached on Monday through Friday, 8:00 A.M - 5:00 P.M.  
  
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Firmin Backer can be reached on 571-272-6703. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nittaya Juntima/  
Examiner, Art Unit 2616  
8/15/08

/FIRMIN BACKER/  
Supervisory Patent Examiner, Art Unit 2616

Application/Control Number: 10/747,968  
Art Unit: 2616

Page 6